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Attorney for CEASAR MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,) No. 2:21-cr-00020-JAM
Plaintiff,)
) STIPULATION AND
v.) ORDER TO STATUS CONFERENCE
)
NEHEMIAH AVILA,) Requested date: 1-28-2025
CEASAR MARTINEZ, and) Time: 9:00 a.m.
) Judge: Hon. John A. Mendez
Defendants.)
=====)

It is hereby stipulated between the parties, Adrian Kinsella, Assistant United States Attorneys, Todd Leras, attorney for defendant NEHEMIAH AVILA, and Michael Long, attorney for defendant CEASAR MARTINEZ, that the status conference set for November 12, 2024, at 9:00 a.m. should be vacated and re-set for January 28, 2025, at 9:00 a.m., under the Local Code T-4 (to allow defense counsel time to prepare).

The parties agree and stipulate, and request the Court find the following:

a. A continuance is requested to continue to allow the Defense to continue to review the voluminous discovery, conduct investigation, confer with clients and discuss with the government a potential resolution. All Counsel require additional time to prepare. Defendant Martinez has been housed in Taft, California, for the past months and while that housing designation is better for Mr. Martinez, it does reduce the contact Mr. Long is able to have with Mr. Martinez. Setting up Zoom visits with Mr. Martinez can take days.

b. Counsel for the Defendants believes the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c. The Government does not object to the continuance.

d. Based on the above-stated findings, the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial within the original date prescribed by the Speedy Trial Act.

e. For the purpose of computing time under the Speedy Trial Act, 18 United States Code Section 3161(h)(7)(A) within which trial must commence, the time period of November 12, 2024, to January 28, 2025, inclusive, is deemed excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and (B)(iv), corresponding to Local Code T-4 because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: October 30, 2024

Respectfully submitted,

/s/ Michael D. Long
MICHAEL D. LONG
Attorney for Ceasar Martinez

/s/ Todd Leras
TODD LERAS
Attorney for Nehemiah Avila

Dated: October 30, 2024

PHIL TALBERT
United States Attorney

/s/ Adrian Kinsella
ADRIAN KINSELLA
Assistant U.S. Attorney

ORDER

GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.

The date for the status hearing in this matter is hereby **RESET** for **January 28, 2025, at 9:00 a.m.**, before District Court Judge John A. Mendez.

Time is excluded through the new hearing date of January 28, 2025.

Dated: October 31, 2024

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE